

Michael Maloney

From: Aisha Bams <Aisha_Bams@nysd.uscourts.gov>
Sent: Thursday, March 3, 2022 11:38 AM
To: Michael Maloney; rseiden@seidenlegal.com; solit@gtlaw.com
Subject: 1:18-cv-11642-VM-DCF Baliga v. Link Motion Inc. et al

Good morning,

On the motion to discharge the Receiver and dissolve the preliminary injunction, the judge generally considers the briefing to be extensive, and adequate for the Court to reach a determination without oral argument. She would, however, like to hear brief oral argument on one narrow question that the parties did not address in their papers. The question is this: Regardless of whether, at the time Plaintiff filed his initial Complaint, he may have lacked standing to raise his common-law claims (for breach of fiduciary duty and unjust enrichment), did he nonetheless have standing to assert his federal securities claims? Please consider, with respect to this issue, at least the following cases: *Frankel v. Slotkin*, 795 F. Supp. 76, 79 (E.D.N.Y.1992); *Drachman v. Harvey*, 453 F.2d 722, 727-30 (2d Cir. 1971); *Farey-Jones v. Buckingham*, 132 F. Supp. 2d 92, 99 (E.D.N.Y. 2001); *Glusband v. Fittin Cunningham Lauzon, Inc.*, 582 F. Supp. 145, 148-49 (S.D.N.Y. 1984). The judge will give each side up to 20 minutes to address this point, and has scheduled the argument for 12:00 noon on Monday, 3/7 by telephone. The parties should call Toll-Free Number: 877-411-9748 and use Access Code: 9612281.

Thank you,

Aisha Bams
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